

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Performance Measurements and	)	CC Docket No. 98-56
Reporting Requirements	}	RM-9101
for Operations Support Systems,	)	
Interconnection, and Operator Services	)	
and Directory Assistance	)	

**REPLY COMMENTS**

of the

**ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT  
OF SMALL TELECOMMUNICATIONS COMPANIES (OPASTCO)**

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June 22, 1998

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**ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT  
OF SMALL TELECOMMUNICATIONS COMPANIES (OPASTCO)**

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) hereby files reply comments regarding the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding. OPASTCO is a national trade association representing nearly 500 independently owned and operated telephone companies servicing rural areas of the United States. Its members, which include both commercial companies and cooperative, together serve over two million customers.

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## **I. SUMMARY**

The Commission's Notice of Proposed Rulemaking (NPRM) sought comment on Operations Support Systems (OSS) performance measurements and reporting requirement guidelines for Local Exchange Carriers (LECs). The NPRM also specifically asked if modifications should be to the proposed model performances measurements in the case of small and rural LECs due to different operational and economic circumstances. Small and rural LECs do face different circumstances and as such, OPASTCO believes that the guidelines are not appropriate for small and rural LECs.

OPASTCO agrees with various commenters who attest that the proposed performance guidelines would impose costs which are beyond the capacity of small LECs, most of which already face high costs. The prospect of raising costs even higher jeopardizes the delivery of affordable service for their customers.

OPASTCO concurs with commenters who remark that Section 251(f) of the Telecommunications Act of 1996 (the Act) exempts rural carriers from the LEC interconnection requirements that have spawned the NPRM. OPASTCO notes that it would be inappropriate to raise costs for rural telephone subscribers in order to obtain measurements that are not necessary to provide quality service to customers and are not required by law.

## **II. RURAL CARRIERS ARE NOT EQUIPPED TO PROVIDE THE DATA PROPOSED BY THE NPRM**

The NPRM specifically asked “whether the proposed model performance measurements and reporting requirements will impose particular costs or burdens on small, rural or mid-size incumbent LECs.”<sup>1</sup> It further states, “We also recognize there may be a certain level of expense involved in generating performance measurements and statistical analyses, if applicable.”<sup>2</sup>

OPASTCO supports the statements of commenters which assert that most small, rural carriers do not have the technical capacity to supply the detailed information outlined by the NPRM. The National Exchange Carrier Association (NECA) notes that “the vast majority of its members do not have the electronic or other mechanized interfaces necessary to develop the measurements and reports on which this NPRM is focused.”<sup>3</sup> Therefore, NECA urges the Commission to “explicitly exempt small, rural and mid-sized LECs from the model rules proposed.”<sup>4</sup> In another example, TDS Telecommunications Corporations (TDS) states, “the costs for rural ILECs would be prohibitive since most, like the TDS ILECs, use largely manual, not automated, OSS processing systems.”<sup>5</sup>

Small ILECs do not have the financial resources to deploy complex OSS tracking systems. In the event small ILECs are nonetheless burdened with the costs of implementing these unnecessary systems, the United States Telephone Association (USTA) remarks that

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<sup>1</sup> NPRM, para. 131

<sup>2</sup> *Ibid.*

<sup>3</sup> NECA, p. 2

<sup>4</sup> *Id.*

<sup>5</sup> TDS, p. iii

because the Commission portrays the NPRM as a proposal of non-binding guidelines, “the Commission is unable to provide cost recovery for ILECs in complying with these proposed model rules.”<sup>6</sup> Small ILECs cannot be expected to implement such systems without an opportunity to recover the immense costs involved.<sup>7</sup> NECA correctly states that lack of a clear exemption for small and rural ILECs “could unnecessarily invite potentially hundreds of waiver requests.”<sup>8</sup>

### **III. RURAL ILECS SHOULD BE EXEMPT, CONSISTENT WITH SECTION 251 OF THE 1996 TELECOMMUNICATIONS ACT**

The NPRM was issued to advance the development of the competitive goals set by Congress through implementation of interconnection requirements found in Section 251 of the Act.<sup>9</sup> Section 251(f) explicitly exempts rural ILECs from the obligations established by Section 251(c). As NECA points out, this exemption lasts “until receipt of a bona fide request for interconnection, resale services, or unbundled network elements, *and* a subsequent determination by the State that such request is not unduly economically burdensome, is technically feasible, and is consistent with universal service.”<sup>10</sup> OPASTCO concurs with NECA’s assertion that

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<sup>6</sup> USTA, p. 18

<sup>7</sup> There is concern that the “model rules” proposed by the NPRM could effectively equate a legally binding determination (*see* USTA, pp. 10 - 15), even though the Commission’s jurisdiction to establish national standards is highly questionable in light of the 8th Circuit Court decision (*see* USTA, p. 16).

<sup>8</sup> NECA, p. 2

<sup>9</sup> NPRM, para. 1; *see* footnote 1

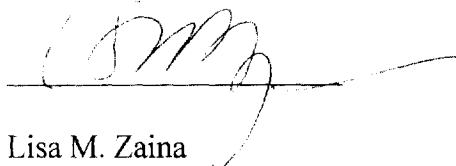
<sup>10</sup> NECA, p. 3

"rural telephone companies should be exempt from the requirements imposed in this proceeding, pursuant to Section 251(f) of the 1996 Act."<sup>11</sup>

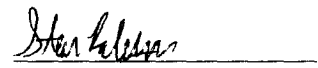
#### IV. CONCLUSION

Small, rural ILECs (and even larger mid-size providers) lack the financial resources to implement the means necessary to supply much of the information called for by the NPRM. Imposition of the costs of these systems on rural providers without an immediate, tangible benefit for subscribers would be a disservice to the residents of the sparsely populated rural areas who would have to bear the financial burden. In recognition of the circumstances faced by small ILECs and their subscribers, Congress provided a sensible exemption from the requirements found in Section 251 of the Act. Any rules or guidelines which develop from this NPRM should reflect Section 251 by including the rural exemption.

Respectfully submitted,



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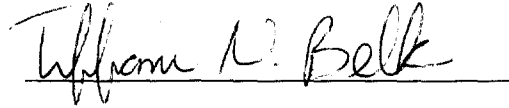
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<sup>11</sup> NECA, p. 2

# CERTIFICATE OF SERVICE

I, Tiffani N. Belk, hereby certify that a copy of the comments by the Organization for the Promotion and Advancement of Small Telecommunications Companies was sent on this, the 22nd day of June, 1998 by first class United States mail, postage prepaid, to those listed on the attached sheet.

A handwritten signature in black ink, reading "Tiffani N. Belk", is written over a horizontal line.

Tiffani N. Belk



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RM-9101

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